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HOUSE BILL 751

**47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005**

INTRODUCED BY

Andy Nuñez

AN ACT

RELATING TO AGRICULTURE; AMENDING THE COTTON BOLL WEEVIL  
CONTROL ACT TO PROVIDE FOR MONITORING BY THE DISTRICTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 76-6A-3 NMSA 1978 (being Laws 1996,  
Chapter 77, Section 3, as amended) is amended to read:

"76-6A-3. DEFINITIONS.--As used in the Cotton Boll Weevil  
Control Act:

A. "board" means the board of regents of New Mexico  
state university;

B. "cotton boll weevil" means any life stage of the  
cotton insect *Anthonomus grandis* Boheman;

C. "cotton boll weevil control committee" means the  
persons, not less than three nor more than seven, elected by a  
majority of the cotton producers voting in a designated cotton

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1 boll weevil control district;

2 D. "cotton boll weevil control district" means a  
3 designated area duly established under the Cotton Boll Weevil  
4 Control Act wherein a program to monitor, suppress or eradicate  
5 the cotton boll weevil is administered;

6 E. "cotton producer" means any person growing five  
7 or more acres of cotton plants. For the purposes of the Cotton  
8 Boll Weevil Control Act, only one person from any farm, sole  
9 proprietorship, corporation, partnership or any other legal  
10 business arrangement shall be eligible to vote to establish or  
11 dissolve a cotton boll weevil control district;

12 F. "department" means the New Mexico department of  
13 agriculture;

14 G. "director" means the director of the New Mexico  
15 department of agriculture; and

16 H. "organic cotton producer" means any person  
17 growing cotton who is certified by the organic commodity  
18 commission as a producer of organic or transitional cotton."

19 Section 2. Section 76-6A-4 NMSA 1978 (being Laws 1996,  
20 Chapter 77, Section 4) is amended to read:

21 "7-6A-4. DUTIES AND POWERS.--The director shall determine  
22 any critically infested or threatened agricultural areas within  
23 New Mexico, hold public hearings within the proposed cotton  
24 boll weevil control district determined to be critically  
25 infested or at risk and provide technical support and advice in

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1 the formulation of plans for the monitoring, control or  
2 eradication of such infestation."

3 Section 3. Section 76-6A-11 NMSA 1978 (being Laws 1996,  
4 Chapter 77, Section 11, as amended) is amended to read:

5 "76-6A-11. COTTON BOLL WEEVIL CONTROL COMMITTEES--  
6 ADDITIONAL DUTIES AND POWERS.--

7 A. Cotton boll weevil control committees may:

8 (1) conduct programs to monitor, suppress or  
9 eradicate cotton boll weevils within their cotton boll weevil  
10 control districts;

11 (2) cooperate in the administration of the  
12 Cotton Boll Weevil Control Act through the use of state or  
13 federal personnel and facilities or both;

14 (3) contract for services or enter into  
15 cooperative agreements;

16 (4) publish information and conduct seminars  
17 on the distribution and control of the cotton boll weevil;

18 (5) levy and collect a special assessment,  
19 based on cotton acreage or cotton yield per acre within the  
20 cotton boll weevil control districts; and

21 (6) borrow money or accept grants, donations  
22 or contributions for any purpose consistent with the powers and  
23 duties of the cotton boll weevil control committee.

24 B. Cotton boll weevil control committees shall  
25 provide a complete accounting of the funds collected through

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1 the special assessment to all participating cotton producers in  
2 the cotton boll weevil control districts.

3 C. The cotton boll weevil control committee shall  
4 send notice of the establishment of a cotton boll weevil  
5 control district and its defined boundaries to the organic  
6 commodity commission within fourteen days of its establishment.

7 D. If the cotton boll weevil control district  
8 includes certified organic acreage, the cotton boll weevil  
9 control committee shall select an organic ~~[farmer]~~ cotton  
10 producer operating within the district, who shall have all the  
11 powers of a committee member, to serve on the cotton boll  
12 weevil control committee."